

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
78973-1C

Total Pages in this Submission

## TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**NOVEL REOVIRUS-DERIVED PROTEINS AND USES THEREFOR**

and invented by:

**ROY DUNCAN**

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: SN 08/965,708

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 60 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal      b. ☐ Informal      Number of Sheets 3
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy)      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☐ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☒ Genetic Sequence Submission (if applicable, all must be included)
- a. ☒ Paper Copy
- b. ☒ Computer Readable Copy
- c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☐ Assignment Papers (cover sheet & documents)
9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☐ Certificate of Mailing
- ☐ First Class      ☐ Express Mail (Specify Label No.): \_\_\_\_\_

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_
17. ☒ Additional Enclosures *(please identify below)*:

1. Copy of Revocation of Power of Attorney" from prior application SN 08/965,708. .
2. Copy of "Power of Attorney" from prior application Sn 08/965,708.
3. Copy of "Request for Extension of Time" filed today on SN 08/965,708, for information only.

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

8. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	62	- 20 =	42	x \$9.00	\$378.00
Indep. Claims	7	- 3 =	4	x \$40.00	\$160.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$893.00

- ☒ A check in the amount of **\$893.00** to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. **19-2550** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: August 30, 2001

  
Signature  
Thuy H. Nguyen (Reg. No. P-47336)

SMART & BIGGAR  
P.O. Box 2999, Station D  
900-55 Metcalfe Street  
Ottawa, Ontario  
Canada K1P 5Y6  
Tel: 613-232-2486

cc:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* patent application of  
DUNCAN, Roy

**Attorney Docket No: 78973-1C**

Serial No.: to be assigned

Group Art Unit: 1653

Filed: Continuation of SN 08/965,708  
filed November 7, 1997

Examiner: to be assigned

For: NOVEL REOVIRUS-DERIVED PROTEINS AND USES THEREFOR

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE with 37 C.F.R. §§ 1.821-1.825**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
**Box SEQUENCE**


Sir:

In connection with a Sequence Listing submitted concurrently herewith,  
the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. §  
1.821(g), does not include new matter; and
2. the content of the attached paper copy and the attached computer  
readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. §  
1.821(c) and (e), respectively, are the same.

Respectfully submitted,

August 30, 2001  
Date

  
Thuy H. NGUYEN  
Reg. No. P-47336  
Telephone: (613) 232-2468  
Facsimile: (613) 232-8440

SMART & BIGGAR  
900-55 Metcalfe Street  
Ottawa, Ontario  
Canada, K1P 5Y6

PATENT  
Attorney Docket No. 78973-1

COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roy Duncan                      Art Unit: 1653  
Serial No.: 08/965,708                      Examiner: D. Lukton  
Filed: November 7, 1997  
Title: NOVEL REOVIRUS-DERIVED PROTEINS AND USES THEREFOR

Assistant Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR EXTENSION OF TIME**

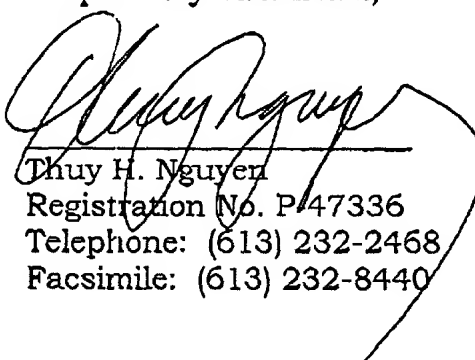
Sir:

It is respectfully requested that a five month extension of time be granted to extend the period for filing an Appeal Brief, to **August 31, 2001**.

Please charge to Deposit Account No. 19-2550 \$250.00, which is the statutory five-month extension fee of \$945.00 less the extension fee of \$250.00 paid on July 30, 2001 and \$445.00 paid on June 29, 2001. The U.S.P.T.O. is authorized to withdraw from Deposit Account No. 19-2550 any deficiencies in the extension of time fees.

Respectfully submitted,

Date: Aug 30, 2001

  
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